

MONDAY, MARCH 18, 1996
SEVENTY-FIFTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Fitzhugh.

Representative Fitzhugh led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Shelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh – 96.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Garrett; personal reasons.

Representative Ridgeway; business reasons.

Representative DeBerry, L.; family death.

PERSONAL ORDERS

Rep. Hargrove moved that House Bill No. 2385 be removed from the Consent Calendar and re-referred to the Committee on Calendar and Rules, which motion prevailed.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 404: Rep(s). Fowlkes as prime sponsor(s).

House Bill No. 1952: Rep(s). Duer as prime sponsor(s).

House Bill No. 2010: Rep(s). Boyer as prime sponsor(s).

House Bill No. 2074: Rep(s). Naifeh, Walley, Haley, Peach, Turner(Hamilton), Fitzhugh, Williams(Union), Cole(Carter), Kent, McDonald and White as prime sponsor(s).

House Bill No. 2245: Rep(s). Bowers as prime sponsor(s).

House Bill No. 2292: Rep(s). Cole(Dyer), Jackson, Cole(Carter) and Kent as prime sponsor(s).

House Bill No. 2568: Rep(s). Robinson as prime sponsor(s).

House Bill No. 2584: Rep(s). Brooks, Armstrong, Winningham and Brown as prime sponsor(s).

House Bill No. 2622: Rep(s). Eckles as prime sponsor(s).

House Bill No. 2929: Rep(s). Lewis as prime sponsor(s).

House Bill No. 3119: Rep(s). Lewis, Wood, Boyer, Stulce and Peach as prime sponsor(s).

SIGNED

March 15, 1996

The Speaker signed the following: Senate Bill(s) No(s). 70, 2040, 2091, 2123, 2372; also, Senate Joint Resolution(s) No(s). 369.

MESSAGE FROM THE SENATE

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MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2591; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

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***Senate Bill No. 2591** -- Claims Commission, Tennessee - Authorizes state to give injured employee option to use accrued sick and annual leave in lieu of temporary total disability; prohibits employee from receiving both accrued sick and annual leave and temporary total disability benefits for period employee is injured. Amends TCA Section 9-8-307(a)(1)(K)(i). by *Cooper.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for March 20, 1996:

House Resolution No. 193 -- Memorials, Recognition and Thanks - Medina Lions Club, 50th Anniversary. by *Phelan.

House Joint Resolution No. 475 -- Memorials, Recognition and Thanks - Zeta Chapter, Zeta Tau Alpha Sorority, University of Tennessee. by *Ritchie, *Boyer, *Burchett, *Bittle, *Armstrong, *Beavers, *Duer, *Tindell, *Eckles, *Dunn.

House Joint Resolution No. 476 -- Memorials, Personal Achievement - Kennie Leigh Eisenhower. by *Davis.

House Joint Resolution No. 477 -- Memorials, Recognition and Thanks - Newport Grammar School, WellKids school competition. by *Davis.

House Joint Resolution No. 478 -- Memorials, Death - Fred J. Gamlin. by *Peach, *Pinion.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

***House Bill No. 3257** -- Intergovernmental Relations - Requires intergovernmental relations commission to conduct annual inventory of needed infrastructure Amends TCA Title 4, Chapter 10 and Section 67-9-102(b)(3). by *Rhinehart.

House Bill No. 3267 -- School Districts, Special - Provides for election by people of all members of Paris Special School District board of education. Amends Chapter 150 of the Private Acts of 1919. by *Ridgeway.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 2237** -- Municipal Government - Expands powers of municipality relative to central business improvement district to include decoration, restoration, improvement or renovation of building facades and exteriors which confer public benefit. Amends TCA Title 7, Chapter 84, Part 5. by *Gilbert.

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***Senate Bill No. 2611** -- Criminal Offenses - Revises provisions concerning driving while license canceled, suspended or revoked. Amends TCA Section 55-50-504. by *Rice, *Burks.

Senate Bill No. 2770 -- Domestic Violence - Permits judge issuing order of protection to direct that respondent and/or petitioner attend counseling for violence control or substance abuse; permits judge to punish violation of counseling requirement as civil or criminal contempt. Amends TCA Title 36, Chapter 3, Part 6. by *Gilbert, *Miller J, *Rice, *Burks, *O'Brien.

***Senate Bill No. 2984** -- Indigents - Allows court to consider amount of money person paid to make bond and source of such money in determining whether such person indigent for purpose of appointing legal counsel. Amends TCA Title 40, Chapter 14, Part 2. by *Person.

***Senate Bill No. 3067** -- Taxes, Personal Property - Clarifies that storage tanks may be real property if immovable. by *Rochelle.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 3264 -- Lebanon -- House Judiciary Committee

House Bill No. 3265 -- Dekalb County -- Local Bill Held on House Desk

House Bill No. 3266 -- Lewisburg -- Local Bill Held on House Desk

CONSENT CALENDAR

***House Joint Resolution No. 441** -- Highway Signs - "Sergeant Lance Fielder Memorial Highway," U.S. 70, Davidson County. by *West, *Robinson, *Odom, *Pruitt, *Halteman Harwell, *Langster, *Jones, S., *Purcell, *Arriola, *Garrett.

House Bill No. 3091 -- District Attorneys - Changes name of executive secretary to district attorneys general conference to executive director to district attorneys general conference. Amends TCA Title 8, Chapter 7. by *Hargrove. (*SB3145 by *Person)

House Bill No. 3092 -- Public Records - Clarifies that records expunged following deferral of proceedings and probation do not include arrest histories, investigative reports and other law enforcement records not considered public records under general expungement statute. Amends TCA Section 40-35-313. by *Hargrove. (*SB3141 by *Person)

House Bill No. 2753 -- Drugs - Redefines "anabolic steroids" to exclude use administered in conjunction with estrogen for hormone deficient women for Schedule III

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controlled substances under Drug Control Act of 1989. Amends TCA Title 39, Chapter 17, Part 4. by *Rhinehart, *Duer, *McDaniel, *Herron. (*SB2211 by *McNally)

On motion, House Bill No. 2753 was made to conform with **Senate Bill No. 2211**; the Senate Bill was substituted for the House Bill.

House Bill No. 2910 -- Local Education Agency - Requires LEAs to adopt and file written policies and procedures to ensure school environments that are safe and secure from violence, weapons, and drugs. Amends TCA Title 49, Chapter 6, Part 42. by *Jones U (Shelby). (*SB3008 by *Harper)

House Bill No. 2355 -- Purchasing - Enacts "Privatization Contractor Public Accountability Act of 1996." Amends TCA Title 8, Chapter 4. by *Brown, *Armstrong, *Miller L, *Pruitt, *Brooks, *Jones R (Shelby). (*SB2382 by *Crutchfield)

House Bill No. 2727 -- Insurance Companies, Agents, Brokers - Authorizes claims paid by administrator from funds collected for insurer to be paid on checks or electronic transfers of insurer in addition to payment on drafts as presently authorized. Amends TCA Section 56-6-407. by *Gunnels. (*SB2084 by *Crutchfield, *Womack)

On motion, House Bill No. 2727 was made to conform with **Senate Bill No. 2084**; the Senate Bill was substituted for the House Bill.

***House Bill No. 2025** -- Taxes, Excise - Defines "net earnings" under excise tax law for financial institutions which form a unitary business; specifies elements for inclusion in such unitary business' annual tax return. Amends TCA Title 67, Chapter 4, Part 8. by *Coffey, *Bittle, *Davis, *McDaniel, *Boyer, *Newton. (SB2071 by *McNally, *Holcomb, *Crowe, *Atchley, *Elsea, *Carter, *Person, *Haun)

House Bill No. 2688 -- County Government - Authorizes counties that own and operate county hospitals to enter into any agreements that privately-owned hospital may enter into. - Amends TCA Title 5; Title 56; Title 63; Title 68 and Title 71. by *Phillips. (*SB2596 by *Cooper)

***House Joint Resolution No. 404** -- Naming and Designating - Extends term of Margaret Britton Vaughn as Poet Laureate to April 1, 2000. by *Phillips.

House Bill No. 3070 -- Highways, Roads and Bridges - Includes segment of U.S. 41, Hamilton County, known as "Cummings Highway" in scenic highway system. Amends TCA Title 54, Chapter 17. by *McAfee. (*SB2868 by *Crutchfield)

On motion, House Bill No. 3070 was made to conform with **Senate Bill No. 2868**; the Senate Bill was substituted for the House Bill.

House Bill No. 2668 -- Economic and Community Development - Requires that racial composition of governing board for each regional and municipal planning commission, and development district be at least proportionately reflective of racial minority population in region or municipality served by commission or district. Amends TCA Title 13, Chapter 14, Part 1; Title 13, Chapter 3, Part 1 and Title 13, Chapter 4, Part

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1. by *Brooks, *Brown, *Armstrong, *Turner (Shelby), *Jones R (Shelby), *Langster, *Pruitt, *DeBerry L, *Miller L, *Kernell, *Jones U (Shelby), *Towns, *DeBerry J, *Bowers. (*SB2326 by *Dixon)

House Bill No. 2667 -- Economic and Community Development, Dept. of - Requires director of office of business enterprise to serve as member of each committee or other entity formally or informally attached to department for purposes of developing or recommending state policy to enhance economic and community development. Amends TCA Title 4, Chapter 3, Part 7. by *Brooks, *Armstrong, *Brown, *Turner (Shelby), *Jones R (Shelby), *Bowers, *Pruitt, *DeBerry L, *Miller L, *Jones U (Shelby), *Cantrell, *Langster, *Beavers. (*SB2327 by *Dixon)

House Bill No. 2662 -- Mass Transit - Requires comptroller to complete study of disparities between inner-city neighborhoods and other urban areas in receipt of mass transit funding by 7/1/97; requires executive agencies and metropolitan planning organizations to cooperate with such study. Amends TCA Title 4 and Title 55. by *Brooks, *Bowers, *Brown, *DeBerry J, *Pruitt, *Miller L, *Langster, *Burchett, *DeBerry L, *Turner (Shelby), *Jones U (Shelby), *Towns, *Armstrong. (*SB2322 by *Dixon, *Harper)

On motion, House Bill No. 2662 was made to conform with **Senate Bill No. 2322**; the Senate Bill was substituted for the House Bill.

***House Bill No. 2021** -- Unemployment Compensation - Requires claimants be allowed to elect whether federal income taxes be deducted and withheld from unemployment benefits at rate specified in federal tax code. Amends TCA Section 50-7-301(c). by *Joyce, *Bittle. (SB2066 by *McNally, *Holcomb, *Atchley, *Miller J, *Fowler, *Elsea, *Carter, *Crowe, *Person, *Rice, *Koella, *Crowe, *Haun)

House Joint Resolution No. 420 -- Naming and Designating - "African American Study of Kidney Disease and Hypertension (AASK) Day," February 15, 1996. by *Langster.

House Bill No. 2653 -- Taxes, Sales - Exempts sale or use of tangible personal property purchased or used by contractors of federal government to fulfill federal contracts necessary to prepare for Olympic events on Ocoee River. Amends TCA Section 67-6-209. by *Newton. (*SB2917 by *Miller J)

House Bill No. 3262 -- Lewis County - Subject to local approval, increases compensation of county highway advisory commission members and chairman. Amends Chapter 395 of the Private Acts of 1937, as amended. by *White. (SB3250 by *Springer)

House Bill No. 3256 -- Collierville - Subject to local approval, authorizes enactment of hotel/motel tax. Amends Chapter 230, Private Acts of 1988. by *Haley, *Shirley.

House Bill No. 3255 -- Williamson County - Subject to local approval, grants local governing body authority to set compensation for board of highway commissioners. Amends Chapter 373 of the Private Acts of 1937. by *Callicott, *Williams (Williamson). (SB3246 by *Jordan)

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House Bill No. 3261 -- Fayette County - Subject to local approval, changes title of "county executive" to "county mayor." . by *Walley, *Naifeh. (SB3244 by *Wilder)

House Bill No. 3258 -- Signal Mountain - Subject to local approval, provides that vacancy in office of town judge filled by appointment by town council until next town or general state election where successor is elected for remainder of unexpired term. Amends Chapter 569 of the Private Acts of 1919. by *McAfee. (SB3249 by *Fowler)

House Bill No. 3254 -- Sumner County - Subject to local approval, exempts county from plat requirements on property transferred for construction of public road where easement for private road was in recorded deed prior to January 1, 1987. by *McDonald, *Stamps. (SB3248 by *Wright)

House Bill No. 3239 -- Springfield - Subject to local approval, revises nepotism policy. Amends Chapter 1 of the Private Acts of 1989. by *Davidson. (*SB3039 by *Wright)

House Bill No. 3243 -- Greene County - Subject to local approval, authorizes \$5.00 litigation tax. by *Whitson, *Davis. (*SB3233 by *Haun)

On motion, House Bill No. 3243 was made to conform with **Senate Bill No. 3233**; the Senate Bill was substituted for the House Bill.

House Bill No. 3263 -- Sparta - Subject to local approval, extends election term of mayor and board of aldermen to coincide with regular August election. Amends Chapter 295 of the Acts of 1903, as amended. by *Curtiss. (SB3254 by *Elsa)

***House Bill No. 3242** -- Bruceton - Subject to local approval, increases terms of mayor and aldermen from two to four years; allows vice mayor to be independently chosen by board without regard to votes received in general election. Amends Chapter 325 of the Private Acts of 1980. by *Herron. (SB3235 by *Carter)

House Bill No. 2849 -- Claims Commission, Tennessee - Authorizes state to give injured employee option to use accrued sick and annual leave in lieu of temporary total disability; prohibits employee from receiving both accrued sick and annual leave and temporary total disability benefits for period employee is injured. Amends TCA Section 9-8-307(a)(1)(K)(i). by *Rinks. (*SB2591 by *Cooper)

On motion, House Bill No. 2849 was made to conform with **Senate Bill No. 2591**; the Senate Bill was substituted for the House Bill.

House Bill No. 2694 -- Highway Signs - "Harold Griggs Highway," S. R. 22, Henderson County from I-40 to Lexington. by *McDaniel. (*SB2774 by *Springer)

On motion, House Bill No. 2694 was made to conform with **Senate Bill No. 2774**; the Senate Bill was substituted for the House Bill.

Senate Joint Resolution No. 363 -- Memorials, Recognition and Thanks - Paul J. Kinser, member, University of Tennessee, board of trustees. by *Fowler, *Hamilton, *Crutchfield.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 2910: by Rep. Miller.

House Bill No. 2355: by Rep. Walley.

House Bill No. 2025: by Rep. Purcell.

House Bill No. 2653: by Rep. Newton.

Under the rules, House Bill No: 2910, 2355, 2025 and 2653 was/were placed at the foot of the calendar for March 20, 1996.

The Clerk announced that House Bill No. 2385 was re-referred to the Committee on Calendar and Rules.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.....	87
Noes	0
Present and not voting.....	7

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Rigsby, Rinks, Ritchie, Roach, Robinson, Shirley, Stamps, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Williamson), Windle, Winningham, Mr. Speaker Naifeh -- 87.

Representatives present and not voting were: Bird, Boyer, Sharp, Stulce, Turner (Hamilton), Williams (Union), Wood -- 7.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 3049 -- Election Laws - Prohibits contesting candidate's nominating petition once county election commission has certified all signatures and accepted petition. Amends TCA Title 2, Chapter 5. by *Jones U (Shelby), *Brooks. (*SB2750 by *Dixon)

Further consideration of House Bill No. 3049, previously considered on March 4, 1996 and March 11, 1996, and reset to today's Calendar.

Rep. Jones, U (Shelby) requested that House Bill No. 3049 be moved to the heel of the Calendar.

***House Bill No. 1983** -- Banks and Financial Institutions - Prohibits transactional fees greater than \$0.50 for cashing checks issued by United States or Tennessee government. Amends TCA Title 45. by *Buck. (SB2551 by *Burks)

Further consideration of House Bill No. 1983, previously considered on March 11, 1996, and reset to today's Calendar.

Rep. Buck moved that House Bill No(s). 1983 be reset to the Regular Calendar for March 20, 1996, which motion prevailed.

***House Bill No. 2416** -- Cemeteries - Changes from net income earned from improvement care trust fund to net earnings that is to be for improvement care for cemetery companies. Amends TCA Section 46-2-302. by *Byrd. (SB2757 by *Ford J)

Further consideration of House Bill No. 2416, previously considered on March 11, 1996, and reset to today's Calendar.

Rep. Buck moved that House Bill No(s). 2416 be reset to the Regular Calendar for March 25, 1996, which motion prevailed.

***House Bill No. 1998** -- Correction, Dept. of - Requires commissioner to notify law enforcement officials as soon as practicable if inmate furlough authorized less than five days before release of inmate. Amends TCA Section 41-21-239. by *Westmoreland, *Kent, *Cole (Carter). (SB2064 by *McNally, *Haun, *Holcomb, *Crowe, *Atchley, *Elsea, *Rice, *Hamilton, *Carter, *Leatherwood, *Burks, *Rice, *Crowe, *Haun)

Further consideration of House Bill No. 1998, previously considered on March 11, 1996, and reset to today's Calendar.

On motion of Rep. Westmoreland, **House Bill No. 1998** was withdrawn from the House.

***House Bill No. 2074** -- Sentencing - Makes payment of restitution to victim part of punishment for all criminal offenses; establishes sentencing alternative of payment of restitution. Amends TCA Title 39, Chapter 11, Part 1 and Title 40, Chapter 35. by *Herron. (SB2633 by *Haynes)

On motion, House Bill No. 2074 was made to conform with **Senate Bill No. 2633**; the Senate Bill was substituted for the House Bill.

Rep. Herron moved that **Senate Bill No. 2633** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 645 -- Alcoholic Beverages - Establishes standard for scope of agreements to distribute particular brands of beer. Amends TCA 57-5-512. by *Head. (*SB845 by *Crutchfield)

Rep. Head moved that **House Bill No. 645** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	86
Noes	1
Present and not voting	8

Representatives voting aye were: Armstrong, Arriola, Bell, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Eckles, Fitzhugh, Fowlkes, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner

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(Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Winningham, Wood, Mr. Speaker Naifeh -- 86.

Representatives voting no were: McDonald -- 1.

Representatives present and not voting were: Bird, Brooks, Byrd, Dunn, Ford, Haley, Phillips, Windle -- 8.

A motion to reconsider was tabled.

***House Bill No. 2778** -- Assessors - Authorizes property assessors to enter unsecured and unoccupied buildings under construction without consent of owner to conduct assessments Amends TCA Section 67-5-303. by *Head.

Rep. Head moved that House Bill No. 2778 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2778 by deleting the words "only with the consent" in the second sentence of the amendatory language of Section 1 and by substituting instead the words "as an invitee or with the consent".

On motion, Amendment No. 1 was adopted.

Rep. Turner(Shelby) moved the previous question, which motion prevailed.

Rep. Head moved that **House Bill No. 2778**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	76
Noes	15
Present and not voting	3

Representatives voting aye were: Armstrong, Arriola, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Halteman Harwell, Hargrove, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kisber, Langster, Lewis, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Rigsby, Rinks, Ritchie, Roach, Robinson, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Mr. Speaker Naifeh -- 76.

Representatives voting no were: Beavers, Clabough, Coffey, Cross, Duer, Dunn, Hassell, Kerr, Peach, Ramsey, Shirley, Walley, Windle, Winningham, Wood -- 15.

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Representatives present and not voting were: Bell, McAfee, Sharp -- 3.

A motion to reconsider was tabled.

House Bill No. 2628 -- Alcoholic Beverages - Removes law enforcement power of constables with respect to beer law. Repeals TCA Section 57-5-202(c)(2). by *Odom. (*SB2170 by *Cohen)

On motion, House Bill No. 2628 was made to conform with **Senate Bill No. 2170**; the Senate Bill was substituted for the House Bill.

Rep. Odom moved that **Senate Bill No. 2170** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	86
Noes	0
Present and not voting.....	8

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Eckles, Fitzhugh, Fowlkes, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, West, Westmoreland, White, Whitson, Williams (Williamson), Winningham, Wood, Mr. Speaker Naifeh -- 86.

Representatives present and not voting were: Bird, Dunn, Ford, Haley, Turner (Hamilton), Walley, Williams (Union), Windle -- 8.

A motion to reconsider was tabled.

House Bill No. 3119 -- Sports - Requires sports agents to register with and obtain permit from secretary of state; subjects such agents or employees of agents to civil liability, criminal penalties and permit revocation or suspension for violations of law. Amends TCA Title 49, Chapter 7, Part 21; Title 62 and Title 67, Chapter 4, Part 17. by *Sharp, *Buck, *Eckles, *Bragg, *Ridgeway, *Burchett, *Williams (Union), *Kent, *Fitzhugh, *Pinion, *White. (*SB3109 by *Gilbert, *Carter)

Rep. Sharp moved that House Bill No. 3119 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3119 by deleting all language after the enacting clause and by substituting instead the following:

Section 49-7-2101. As used in this part unless the context otherwise requires:

(1) "Agent contract" means a contract or agreement in which a student athlete authorizes a sports agent to represent the student in the marketing of the student's athletic ability or athletic reputation;

(2) "Attorney General" means the attorney general and reporter of this state;

(3) "Contact" means communication between a sports agent and a student athlete, by whatever means, directly or indirectly, for the purpose of entering or soliciting entry into an agent contract;

(4) "Financial services" means the counseling on or the making or execution of investment and other financial decisions by a sports agent on behalf of the student athlete;

(5) "Institution" means any public or private institution of higher education in the state of Tennessee;

(6) "National collegiate athletic association" means a national collegiate athletic association with one (1) or more member institutions in forty (40) or more states, including Tennessee, and "governing national collegiate athletic association" means the national collegiate athletic association of which the institution is a member;

(7) "Participation" means practicing, competing, or otherwise representing a institution in intercollegiate athletics.

(8) "Period of eligibility" refers to athletic eligibility and is that period of time beginning with the student athlete's enrollment at such institution and ending with the last intercollegiate competition in which the student athlete is permitted to compete under rules of such institution's governing national intercollegiate athletic association, notwithstanding any disqualification under such rules;

(9) "Person" means an individual, company, corporation, association, partnership or other legal entity, except it does not mean a government or governmental agency or subdivision;

(10) "Rescindability period" means that period of twenty (20) days following expiration of the student athlete's period of eligibility;

(11) "Secretary" means the Tennessee secretary of state;

(12) "Sports agent" means a person, his agents or employees, who directly or indirectly, recruit or solicit any student athlete to enter into any agent contract or professional sport services contract, or who for a fee procures, offers, promises or attempts to obtain employment for any student athlete with a professional sports team or as a professional athlete. The term includes an attorney licensed by any state who acts as a sports agent for any student athlete but does not include an attorney in his capacity as legal counsel for such student athlete in advising such student athlete with respect to contractual matters involving a career in professional sports; and

(13) "Student athlete" means any person, regardless of whether such person does or does not reside in Tennessee, who has informed, in writing, an institution of such person's intent to participate in that school's intercollegiate athletics or who does participate in that school's intercollegiate athletics and is eligible to do so.

Section 49-7-2102.

(a) Any person who wishes to do business in this state as a sports agent must have a permit to do so issued by the secretary of state pursuant to this section.

(b) To obtain a sports agent permit, a person shall apply to the secretary of state on an application form designed and provided by the secretary. Such form shall require the applicant to affirm, under penalty of perjury, that the applicant:

(1) Is at least eighteen (18) years of age;

(2) Has remitted a permit fee of two hundred fifty dollars (\$250) and the occupational privilege tax under Title 67, Chapter 4, Part 17.

(3) Has not in any jurisdiction, within the preceding five (5) years, been convicted, found guilty of or entered a plea of nolo contendere for, regardless of adjudication, a crime which relates to the applicant's practice or ability to practice as a sports agent;

(4) Has not in any other jurisdiction had a sports agent license or permit suspended or revoked for a violation of the law of that jurisdiction nor has a civil judgment been entered against such applicant for damages caused to an institution as a result of a violation of the sports agent law of that jurisdiction;

(5) Has not engaged in conduct that resulted in penalties or sanctions being imposed against a college or university by the collegiate athletic association governing such college or university or by an athletic conference in which the college or university is a member, regardless of whether criminal, civil or administrative actions were ever commenced against the applicant; and

(6) Has posted with the secretary a fifteen thousand dollar (\$15,000) surety bond issued by an insurance company authorized to do business in this state. The bond shall be in favor of the state of Tennessee, secretary of state, for the use and benefit of any student athlete or institution within Tennessee that is injured or damaged, including reasonable costs and attorney's fees, as a result of acts or omissions by the sports agent pursuant to a permit issued under this part. The bond shall provide that the sports agent is responsible for the acts or omissions of any agents or other representatives acting under the sports agent's supervision or authority. The bond shall be in effect for and cover all times that the sports agent has an active permit and conducts business pursuant to that permit in this or any other state.

(c) If the secretary finds that the requirements set out in subsections (b)(1), (b)(2) or (b)(6) have not been met, that any of the conduct or results of such conduct described in subsections (b)(3), (b)(4) or (b)(5) has occurred, or that the applicant has provided false or inaccurate information on any part of the application, the secretary may deny the permit.

(d) Regardless of whether the secretary issues or denies a sports agent permit, the two hundred fifty dollar (\$250) permit fee is nonrefundable.

(e) The applicant shall by signing the application affirm, under penalty of perjury, that all information contained thereon is true and correct.

(f) A permit issued to a sports agent is not transferable.

(g) A person who does business in this state as a sports agent, regardless of whether such person has a permit issued pursuant to this part, shall by so doing consent to the jurisdiction of the courts of this state, shall be subject to suit in this state and shall be deemed to have appointed the secretary of state as such person's agent to accept service of process in any civil action related to such person's doing business as a sports agent that is commenced against such person, as provided in Tennessee Code Annotated, Section 20-2-203.

Section 49-7-2103.

(a)(1) In addition to the violations, penalties and liabilities set forth in this part, contractual relationships between sports agents and student athletes shall be governed by the terms of this section.

(2) For the purposes of this part, "contractual relationships" include, but are not limited to:

(A) A contract to represent the student athlete in pursuing a professional sports career;

(B) Loans or advances of money in any way connected with the student athlete pursuing a professional sports career; or

(C) Providing services or material goods in any way connected with the student athlete pursuing a professional career in sports.

(b)(1) A contract between a sports agent and a student athlete must be:

(A) In writing;

(B) Signed by both the sports agent and the student athlete in the presence of a notary public who shall duly notarize the same;

(C) Include the address of the sports agent to which notices may be sent; and

(D) State the fees, percentages or other remuneration to be paid by the student athlete to the sports agent.

(2) The contract must contain the following paragraphs in ten (10) point, bold type, and each of the following paragraphs must be dated and initialed by the student athlete:

WARNING TO THE STUDENT ATHLETE: WHEN YOU SIGN THIS CONTRACT, YOU WILL LIKELY IMMEDIATELY LOSE YOUR ELIGIBILITY TO COMPETE IN

INTERCOLLEGIATE ACTION BEING INSTITUTION, YOU YOU HAVE ENTERED ATHLETIC DIRECTOR OR INSTITUTION WITHIN 72 HOURS THIS CONTRACT OR PRIOR TO PARTICIPATING IN INTERCOLLEGIATE

ATHLETICS. TO AVOID DISCIPLINARY BROUGHT AGAINST YOU BY YOUR MUST GIVE WRITTEN NOTICE THAT INTO THIS CONTRACT TO THE PRESIDENT OF YOUR AFTER ENTERING INTO PRACTICING OR

ATHLETICS, WHICHEVER COMES FIRST. FAILURE TO PROVIDE THIS NOTICE SUBJECTS YOU TO DISCIPLINARY ACTION BY YOUR INSTITUTION.

DO NOT SIGN THIS CONTRACT UNTIL YOU HAVE READ IT AND FILLED IN ANY BLANK SPACES. PURSUANT TO TENNESSEE LAW, YOU, AS A STUDENT ATHLETE SIGNING THIS CONTRACT, HAVE THE RIGHT TO RESCIND THIS CONTRACT WITHIN TWENTY (20) DAYS OF (1) THE SIGNING OF THIS CONTRACT, (2) NOTICE OF THIS CONTRACT BEING RECEIVED BY THE CHIEF EXECUTIVE OFFICER OF YOUR INSTITUTION, OR (3) IF NO NOTICE IS GIVEN TO YOUR INSTITUTION, YOUR LAST INTERCOLLEGIATE GAME, WHICHEVER OCCURS THE LATEST. HOWEVER, EVEN IF YOU CANCEL THIS CONTRACT, THE INTERCOLLEGIATE ATHLETIC ASSOCIATION OR CONFERENCE TO WHICH INSTITUTION BELONGS MAY NOT RESTORE ELIGIBILITY TO PARTICIPATE IN ATHLETICS.

YOUR
YOUR
INTERCOLLEGIATE

IF YOU SIGN THIS CONTRACT PRIOR TO YOUR LAST INTERCOLLEGIATE GAME AND DO NOT NOTIFY YOUR INSTITUTION OF THIS CONTRACT, YOUR TEAM MAY BE REQUIRED TO FORFEIT ALL GAMES IN WHICH YOU PARTICIPATE THEREAFTER, AND YOU MAY CAUSE YOUR TEAM TO BE INELIGIBLE FOR POSTSEASON GAMES.

This notice provision may not be incorporated by reference and each contract shall include its provisions verbatim. Such notice provisions are solely for the purpose of advising the student athlete of the possible effects of his signing the agency contract and some of his rights.

(3) A duly signed and notarized copy of the contract shall be furnished to the student athlete at the time of execution.

(4) Both the sports agent and the student athlete who enter into an agent contract must provide written notice of the contract to the athletic director or the president of the institution in which the student athlete is enrolled. The sports agent and the student must give the notice before the contracting student athlete practices or participates in any intercollegiate athletic event, or within seventy-two (72) hours after entering into said contract, whichever comes first. Notice shall be in writing and for the sports agent shall be given via registered or certified mail.

(A) Failure of a student athlete to provide the notification required by this subsection shall subject the student athlete to

disciplinary action in accordance with the institution's rules and regulations for student conduct.

(B) Failure of a sports agent to provide the notification required by this subsection shall subject the agent to criminal penalties as provided in Section 49-7-2106(b) of this part.

(5)

(A) Within twenty (20) days of the last of the following to occur, the student athlete shall have the right to rescind the contract or any contractual relationship with the sports agent, by giving notice in writing to the sports agent of his intent to rescind:

(i) Date on which the contractual relationship between the sports agent and the student athlete arises;

(ii) Notification, as provided in subdivision (b)(4) of this section, of such contractual relationship is received by the chief executive officer of the student athlete's institution; or

(iii) If such notification as required in subdivision (b)(4) is not given, expiration of the eligibility period of the student athlete.

(B) The student athlete may not under any circumstances effect a waiver of the right to rescind, and any attempted waiver of the right to rescind shall be ineffective.

(6) In addition to the right to rescind provided in subdivision (b)(5), any contract dated during the rescindability period may be rescinded by the student athlete prior to the expiration of the rescindability period.

(7) The contract shall be governed by the laws of the state of Tennessee.

(8) Failure of sports agent to comply with the terms of this part, including but not limited to, notification as required in subdivision (b)(4) of this section, shall render such contract void and unenforceable as between the sports agent and the student athlete and shall subject the sports agent to criminal penalties, civil liability and disciplinary action under this part.

(9). A sports agent shall not enter into an agent contract that purports to or takes effect at a future time after the student athlete no longer has remaining eligibility to participate in intercollegiate athletics nor shall a sports agent postdate an agent contract. Either such contract is void and unenforceable.

(10) Any money, things of value, extra benefits or any other form of consideration given by a sports agent to a student athlete may be retained by the student athlete and shall be deemed a gift if:

(A) The student athlete rescinds his contractual relationship with the sports agent as provided herein; or

(B) The contract between the student athlete and the sports agent is void and unenforceable for failure to comply with the terms of this part.

(11) An agent contract between a student athlete and a person who does not have a sports agent permit issued pursuant to this part is void and unenforceable.

Section 49-7-2104.

(a) The following acts shall constitute violations of this section and may result in the revocation or suspension of a sports agent's permit:

(1) A violation of any law relating to the permit holder's practice as a sports agent including, but not limited to, violations of this part;

(2) Failure to account for or to pay, within a reasonable time, not to exceed thirty (30) days, assets belonging to another which have come into the control of the sports agent in the course of conducting business as a sports agent;

(3) Any conduct as a sports agent which demonstrates bad faith or dishonesty;

(4) Commingling money or property of another person with the sports agent's money or property. Every sports agent shall maintain a separate trust or escrow account in an insured bank or savings and loan association located in this state in which shall be deposited all proceeds received for another person through the sports agent;

(5) Accepting as a client a student athlete referred by and in exchange for any consideration made to an employee of or a coach for an institution located in this state;

(6) Offering anything of value to any person, including a family member of the student athlete, to induce a student athlete to enter into an agreement by which the agent will represent the student athlete. However, negotiations

regarding the agent's fee shall not be considered an inducement;

(7) Knowingly providing financial benefit from the permit holder's conduct of business as a sports agent to another sports agent whose license or permit to practice as a sports agent is suspended or has been revoked within the previous five (5) years;

(8) Committing mismanagement or misconduct as a sports agent which causes financial harm to a student athlete or institution;

(9) Failing to include the sports agent's name and permit number in any advertising related to the business of a sports agent. Advertising shall not include clothing or other novelty items.

(10) Publishing or causing to be published false or misleading information or advertisements, or giving any false information or making false promises to a student athlete concerning employment or financial services;

(11) Violating or aiding and abetting another person to violate the rules of the athletic conference or collegiate athletic association governing a student athlete or student athlete's institution;

(12) Having contact, as prohibited by this part, with a student athlete;

(13) Postdating agent contracts; or

(14) Having a sports agent certification acted against by a professional athletic club or association.

(b) It is not a violation of this section for an agent to:

(1) Send a student athlete written materials provided that the sports agent simultaneously sends an identical copy of such written materials to the athletic director, or the director's designee, of the institution in which the student athlete is enrolled or to which the student athlete has provided a written intent to participate in intercollegiate athletics; or

(2) Otherwise contact a student athlete, provided that the student athlete initiates the contact with the sports agent and the sports agent gives notice to the institution in which the student athlete is enrolled or to which the student athlete

has provided a written intent to participate in intercollegiate of such contact.

(c) The secretary of state shall have the authority to revoke or suspend the permit of a sports agent for one (1) or more violations of subsection (a) of this section. A violation of such subsection shall be brought to the attention of the secretary by written complaint filed by any institution or student athlete aggrieved by the violation. If the secretary finds from the complaint that there is reasonable cause to believe a violation of this section has occurred, the secretary shall commence a sports agent permit revocation or suspension proceeding. Such a proceeding shall be considered a contested case hearing and shall be conducted in accordance with the Tennessee uniform administrative procedures act, codified in Tennessee Code Annotated, Title 4, Chapter 5.

Section 49-7-2105.

(a) An institution shall have a cause of action for damages against any person who violates this part, as provided by this section. An institution may seek equitable relief to prevent or minimize harm arising from acts or omissions which are or would be a violation of this part.

(b) For purposes of this section, an institution is damaged if, because of activities of the person, a student or the institution is penalized or is disqualified or suspended from participation in intercollegiate athletics by a national association for the promotion and regulation of intercollegiate athletics or by an intercollegiate athletic conference and, because of that penalty, disqualification, or suspension, the institution:

- (1) Loses revenue from media coverage of a sports contest;
- (2) Loses ticket sales for regular season or post-season athletic events;
- (3) Loses the right to grant an athletic scholarship;
- (4) Loses the right to recruit an athlete;
- (5) Is prohibited from participating in post-season athletic competition;
- (6) Loses proceeds from any revenue sharing agreement or arrangement between institutions in an athletic conference;
- (7) Forfeits an athletic contest; or

(8) Otherwise suffers an adverse financial impact.

(c) An institution that prevails in a suit brought under this section may recover:

(1) Actual damages;

(2) Punitive damages;

(3) Court costs;

(4) Reasonable attorney's fees; and

(5) Treble damages for any violation of this part which results in any ineligibility of a student athlete to compete, in an amount equal to three (3) times the value of the athletic scholarship furnished by the institution to the student athlete during the student athlete's period of eligibility

(d) An action under this section shall be commenced by the aggrieved institution within three (3) years of the date damages to the institution resulting from a violation of this part are discovered or reasonably should have been discovered, whichever date is sooner.

(e) The student athlete and sports agent shall be jointly and severally liable for any damages awarded to an institution for a violation of the provisions of this part that occurred during such student athlete's period of eligibility.

Section 49-7-2106.

(a) It is an offense for a sports agent, or any person acting for or on behalf of a sports agent, to knowingly offer, give or loan anything of value to a student athlete, or any person acting for or on behalf of a student athlete, during such student athlete's period of eligibility for the purpose of inducing the student athlete to enter into an agreement, agent contract or professional sport services contract with such agent.

(b) It is an offense for a sports agent to enter into an agent contract without giving notice of entering into such contract to the athletic director or institution president as required by Section 49-7-2103(b)(4).

(c) It is an offense to conduct business as a sports agent unless such person holds an active permit issued pursuant to this part, and no person shall knowingly aid or abet another person to conduct business as an unlicensed sports agent. For purposes of this

section, "aid or abet" means to actively assist in the recruitment or solicitation of a student athlete.

(d) It is an offense for a person by verbal claim, advertisement, letterhead, card, or in any other way to represent such person to be a sports agent unless such person possesses a valid permit issued pursuant to the provisions of this Section 49-7-2102.

(e) A violation of subsections (a) or (b) of this section is a Class E felony. A violation of subsections (c) or (d) is a Class A misdemeanor.

Section 49-7-2107. For purposes of determining violations under this part, the rules of the governing national collegiate athletic association in effect July 1, 1996, and as amended from time to time thereafter by such association, shall apply.

Section 49-7-2108. Every sports agent shall post and conspicuously display the sports agent's permit, or legible copy thereof, in each office from which the sports agent conducts business as a sports agent and shall provide proof of such permit to any student athlete whom the sports agent contacts.

Section 49-7-2109.

(a) A sports agent who holds an active permit and engages in business as a sports agent shall establish and maintain complete financial and business records. The sports agent shall retain such financial or business records for at least four (4) years from the date of the entry.

(b) The secretary shall have access to and shall have the right to inspect and examine the financial or business records of a sports agent during normal business hours. Refusal or failure of a sports agent to provide the secretary access to financial and business records shall be a basis for permit suspension or revocation by the secretary. The secretary may exercise subpoena powers to obtain the financial and business records of a sports agent.

Section 49-7-2110. This part does not apply when a student is ineligible to participate in a particular intercollegiate sport unless:

(a) The student athlete's eligibility to participate is restored in that particular sport; or

(b) The student is or becomes eligible to participate in a different intercollegiate sport, in which case this part shall apply for the different intercollegiate sport.

Section 49-7-2111. Nothing in this part shall:

(a) Prevent a student athlete from relinquishing such athlete's eligibility to compete in intercollegiate athletics and then signing an agent contract; or

(b) Impair the validity of an agent contract entered into prior to the effective date of this act.

SECTION 2. Tennessee Code Annotated, Section 67-4-1702(a)(3), is amended by adding the following new subdivision:

() Sports agent as defined by Tennessee Code Annotated, Section 49-7-2101(12).

SECTION 3. This act shall take effect on July 1, 1996, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Sharp moved that **House Bill No. 3119**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	68
Noes	2
Present and not voting	6

Representatives voting aye were: Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Kernell, Towns -- 2.

Representatives present and not voting were: Armstrong, Bowers, Brooks, DeBerry, J., Jones, U. (Shelby), Turner (Hamilton) -- 6.

A motion to reconsider was tabled.

CHAIR TO RINKS

Mr. Speaker Naifeh relinquished the Chair to Rep. Rinks.

REGULAR CALENDAR, CONTINUED

House Bill No. 3203 -- District Attorneys - Authorizes assistant district attorney with prior experience as assistant or district attorney, criminal investigator or other prosecutorial experience to be eligible for year for year credit upon recommendation of hiring district attorney, subject to approval of executive committee of district attorneys general conference. Amends TCA Title 8, Chapter 7, Part 2. by *Newton. (*SB3201 by *Miller J)

Rep. Newton moved that House Bill No. 3203 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3203 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-7-227, is amended by deleting subdivision (1) in its entirety and by substituting instead the following language:

(1) Any assistant district attorney general who has prior experience as an assistant district attorney, a district attorney general, a criminal investigator for the district attorneys general, a United States attorney, an assistant United States attorney, or one who as a commissioned officer, working as a military attorney in the field of criminal prosecution while on full-time active duty in the judge advocate general's corps of any of the armed services of the United States, shall be eligible to receive year-for-year credit upon the recommendation of the hiring district attorney general, and subject to the approval of the executive committee of the Tennessee District Attorneys General Conference.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Newton moved that **House Bill No. 3203**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J.,

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Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 1952** -- Animals - Prohibits entities of state and local governments from enacting or enforcing laws or regulations restricting or preventing owner of dog from using electronic locating collar to protect such dog from loss. Amends TCA Title 44, Chapter 17. by *Newton. (SB2317 by *Miller J)

Rep. Newton moved that House Bill No. 1952 be passed on third and final consideration.

Rep. Givens moved adoption of Agriculture Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1952 by deleting the period (.) at the end of the first sentence of Section 1 and by substituting instead the following language:

; except that the wildlife resources commission may limit the use of electronic locating collars through the promulgation of rules and regulations when required for the proper management of wildlife species.

On motion, Amendment No. 1 was adopted.

Rep. Newton moved that **House Bill No. 1952**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	88
Noes	1
Present and not voting.....	4

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Hicks, Huskey, Jackson, Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley,

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West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Herron -- 1.

Representatives present and not voting were: Hargrove, Jones, R. (Shelby), Purcell, Turner (Hamilton) -- 4.

A motion to reconsider was tabled.

House Bill No. 2245 -- Emergency Communications Districts - Changes composition of Shelby County emergency communication district boards to include actively engaged firefighter, police officer and emergency medical technician; increases representation on board from one of these professionals to all of them. Amends TCA Title 7, Chapter 86. by *Jones U (Shelby), *Miller L, *Brooks, *Turner (Shelby), *DeBerry J, *Jones R (Shelby), *Byrd, *DeBerry L. (*SB2339 by *Dixon)

On motion, House Bill No. 2245 was made to conform with **Senate Bill No. 2339**; the Senate Bill was substituted for the House Bill.

Rep. Jones U (Shelby) moved that Senate Bill No. 2339 be passed on third and final consideration.

On motion, Rep. Jones R (Shelby) withdrew State & Local Government Committee Amendment No. 1.

Rep. Jones U (Shelby) moved that **Senate Bill No. 2339** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

House Bill No. 2292 -- Motor Vehicles, Titling and Registration - Authorizes issuance of special plates depicting support for St. Jude Children's Research Hospital. Amends TCA Title 55, Chapter 4. by *Byrd, *Naifeh, *Rinks, *Bowers. (*SB2179 by *Kyle, *Haun)

Further consideration of House Bill No. 2292, previously considered on March 11, 1996, at which time it was objected to on the Consent Calendar, and reset to today's Calendar.

On motion, House Bill No. 2292 was made to conform with **Senate Bill No. 2179**; the Senate Bill was substituted for the House Bill.

Rep. Byrd moved that Senate Bill No. 2179, be passed on third and final consideration.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2179 by adding the following to the amendatory language of Section 3 as a new subsection to be appropriately designated:

(1) The funds derived from the sale of such supporters of Saint Jude Children's Research Hospital special license plates, less the expense the state has incurred in designing and manufacturing such plates, shall be deposited in a special fund in the general fund to be used exclusively for research into the causes and treatment of cancer and cancer-related illnesses in children at children's hospitals in Tennessee that have such treatment and research as their principal mission. The commissioner of health shall make grants to such hospitals for such research from moneys available in the special fund.

(2) There is hereby established a general fund reserve to be allocated by the general appropriations act which shall be known as the Children's Cancer Research endowment fund. Moneys from the fund may be expended to fund activities authorized by this section. Any revenues deposited in this reserve shall remain in the reserve until expended for purposes consistent with this subsection, and shall not revert to the general fund on any June 30. Any excess revenues on interest earned by such revenues shall not revert on any June 30, but shall remain available for appropriation in subsequent fiscal years. Any appropriation from such reserve shall not revert to the general fund on any June 30, but shall remain available for expenditure in subsequent fiscal years.

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On motion, Amendment No. 1 was adopted.

Rep. Byrd moved that **Senate Bill No. 2179**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes.....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 3052 -- Criminal Offenses - Creates Class C misdemeanor offense for intentional harming of police dog while performing official duties. Amends TCA Title 39, Chapter 14, Part 2. by *McKee, *Phelan, *Rigsby, *Roach, *Ramsey, *Venable, *Westmoreland, *Williams (Union). (*SB3113 by *Miller J)

Further consideration of House Bill No. 3052, previously considered on March 13, 1996, at which time the House was adopted Amendment No. 1, and reset to today's Calendar.

Rep. McKee moved that House Bill No. 3052, as amended, be passed on third and final consideration.

Rep. McKee moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 3052 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-14-205, is amended by designating the existing language of subsection (a) as subdivision (1) and by adding the following new subdivision:

(2) In determining the value of a police dog under §39-14-105, the court shall consider the value of the police dog as both the cost and any specialized training for such police dog.

SECTION 2. This act shall take effect July 1, 1996, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. McKee moved that **House Bill No. 3052**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	3
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Jones, R. (Shelby), Towns, Turner (Shelby) -- 3.

Representatives present and not voting were: Jones, U. (Shelby) -- 1.

A motion to reconsider was tabled.

House Bill No. 2584 -- Welfare - Permits low-income entrepreneurs to start or expand business without loss of AFDC assistance. Amends TCA Title 71, Chapter 3. by *Pruitt. (*SB2437 by *Ford J)

Rep. Pruitt moved that House Bill No. 2584 be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:
Amendment No. 1

AMEND House Bill No. 2584 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. The purpose of this act is to invest in the self-sufficiency of aid to families with dependent children recipients, or successor program.

Section 2. For the purpose of this act, a low-income entrepreneur is one who is starting or expanding a business and who meets the eligibility

criteria for receipt of aid to families with dependent children, or successor program.

Section 3. Low-income entrepreneurs will be allowed to escrow profits from their business enterprise which are not reinvested into their business into an account which will be placed in a micro-lending intermediary program and not be counted against their public assistance benefits until they accumulate five thousand dollars (\$5,000) for the period they are eligible for the AFDC program, or successor program. Under this provision, participating entrepreneurs, who are otherwise eligible for AFDC, or successor program, will not have their benefits reduced and will not lose the supplemental benefits extended to them as AFDC, or successor program, recipients for the life of the escrow account as defined herein. Participants must notify the department of human services in advance of their decision to elect this option.

Section 4. This exemption can be reapplied for whenever the participant is eligible for AFDC, or successor program.

Section 5. Under this section, self-employment will be considered the same as a job component, if the individual's income, divided by the minimum wage, equals twenty (20) hours per week. To receive the self-employment exemption outlined herein, low-income entrepreneurs must be enrolled in the job component of the AFDC program, or successor program, and must be enrolled in a micro-lending program providing entrepreneurship training, technical assistance and peer support.

Section 6. A micro-lending program is one which provides training, technical assistance and loan funds to low-income entrepreneurs to start or expand a business venture.

Section 7. The program is dependent on the availability of appropriate waivers from the federal departments of health and human services and agriculture, which the department of human services is authorized to make application for.

Section 8. This act shall take effect July 1, 1996, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2584 by adding the language "at a minimum" between the word "equals" and the word "twenty" in Section 5 of House Health & Human Resources Committee Amendment No. 1

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On motion, Amendment No. 2 was adopted.

Rep. Pruitt moved that **House Bill No. 2584**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95

Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2010 -- Pardons and Paroles - Grants exclusive authority to community corrections program to provide services in contract area; increases from \$5.00 to \$20.00 monthly supervision fee paid by parolee. Amends TCA Title 40, Chapter 36. by *Rhinehart. (*SB2050 by *Springer)

Rep. Rhinehart moved that House Bill No. 2010 be passed on third and final consideration.

Rep. Jones R. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2010 by deleting the language after the enacting clause in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-36-305(b), is amended by adding the following:

Provided further, each recipient, having been deemed eligible for continued funding by the department and having entered into an agreement with the department for direct financial aid under this chapter, shall have exclusive authority to provide the contracted services within the agreed upon jurisdiction for the duration of the contract. Nothing in this subsection shall be construed to diminish

the commissioner's authority under Tennessee Code Annotated, Section 40-36-305.

SECTION 2. Tennessee Code Annotated, Section 40-36-306, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) A supervision fee in the amount of fifteen dollars (\$15.00) per month is hereby imposed upon every offender serving a sentence under the supervision of a community corrections grantee. Such fee may be waived in those cases determined to be hardship cases as defined in Section 40-28-202.

SECTION 3. Tennessee Code Annotated, Section 40-36-306, is amended by adding the following as a new subsection (e):

(e) The grantee shall make an investigation of the financial and other circumstances of any person under its supervision and, based upon the person's ability to pay, shall require such person to pay thirty dollars (\$30.00) for each month or portion of a month such person remains under the supervision of the grantee, to the criminal injuries compensation fund established in Section 40-24-107, beginning thirty (30) days from the date the offender is placed under the supervision of the grantee, or, in the case of an employed offender, the date of employment. The payment required under this subsection shall not exceed ten percent (10%) of the offender's net income. In cases of hardship as defined in Section 40-28-202, the department may modify the payment required by this item to an appropriate amount given the nature and magnitude of the hardship.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved that **House Bill No. 2010**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	92
Noes	0
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips,

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Pinion, Pruitt, Ramsey, Rhinehart, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

***House Bill No. 2405** -- Health - Requires four, rather than three, nominees for positions on health facilities commission. Amends TCA Title 68. by *Rhinehart. (SB2799 by *Rochelle)

Rep. Rhinehart moved that House Bill No. 2405 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2405 by deleting Section 1 of the printed bill in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-11-106(a)(5), is amended by inserting the following in the second sentence of the subdivision, after the words "shall not apply":

to the relocation of the parent office of a home health agency to an adjoining county which is within its licensed service area if such home health agency has maintained an office within such adjoining county for at least ten (10) years prior to such relocation where it has served a majority of its patients for a majority of those years as reflected in its joint annual reports filed with the department (such relocation shall be effected by the filing of written notice of same by such home health agency with the health facilities commission), or

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved that **House Bill No. 2405**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	90
Noes	0
Present and not voting.....	3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J.,

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Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

Representatives present and not voting were: Peach, Purcell, Whitson -- 3.

A motion to reconsider was tabled.

House Bill No. 3049 -- Election Laws - Prohibits contesting candidate's nominating petition once county election commission has certified all signatures and accepted petition. Amends TCA Title 2, Chapter 5. by *Jones U (Shelby), *Brooks. (*SB2750 by *Dixon)

Further consideration of House Bill No. 3049, previously considered on today's Calendar.

Rep. Chumney moved that House Bill No(s). 3049 be reset to the Regular Calendar for April 8, 1996, which motion prevailed.

UNFINISHED BUSINESS

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 475: Rep(s). Armstrong as first prime sponsor(s).

House Joint Resolution No. 478: Rep(s). Pinion as prime sponsor(s).

House Bill No. 1020: Rep(s). Bell as prime sponsor(s).

House Bill No. 1167: Rep(s). Phelan as prime sponsor(s).

SPONSORS REMOVED

House Bill No. 1031: Rep(s). Hassell as prime sponsor(s).

MESSAGE FROM THE GOVERNOR

March 18, 1996

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2719, with his approval.

HARDY MAYS, Counsel to the Governor.

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MESSAGE FROM THE GOVERNOR

March 18, 1996

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2119 and 3244, with his approval.

HARDY MAYS, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

March 18, 1996

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2241, 2728, 2878, 2998, 3240 and 3241, with his approval.

HARDY MAYS, Counsel to the Governor.

MESSAGE FROM THE SENATE

March 18, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2429 and 3217; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 18, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1976, 2767, 3193, 3245 and 3252; also, House Joint Resolution(s) No(s). 455, 457, 459 and 460; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

March 18, 1996

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 1976, 2767, 3193, 3245 and 3252; also, House Joint Resolution(s) No(s). 455, 457, 459 and 460.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 18, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2428, 2436 and 2807; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

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ENGROSSED BILLS

March 18, 1996

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2778.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

March 18, 1996

The Speaker signed the following: Senate Bill(s) No(s). 2429 and 3217.

ENGROSSED BILLS

March 18, 1996

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2405.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 18, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2331 and 2405; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 18, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2889; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 18, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 347 and 351; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Joint Resolution No. 347** -- General Assembly, Confirmation of Appointment - Melvin Joel Malone, Tennessee Regulatory Authority, by *Wilder, *Crutchfield, *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Dixon, *Elease, *Ford J, *Fowler, *Gilbert, *Hamilton, *Harper, *Haun, *Haynes, *Henry, *Holcomb, *Jordan, *Koella, *Kyle, *Leatherwood, *McNally, *Miller J, *O'Brien, *Person, *Rice, *Springer, *Wallace, *Womack, *Wright.

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***Senate Joint Resolution No. 351 --** Highway Signs - "Clarence Pete Phillips Highway," U.S. Highway 231 from Shelbyville to Bedford County-Rutherford County line. by *Womack, *Henry, *Cooper.

**MESSAGE FROM THE SENATE
March 18, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1975, 2093, 2791, 3162 and 3170; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 1975 -- Pardons and Paroles - Authorizes increase in number of members of work release commissions in counties other than Davidson from three up to 12. Amends TCA Section 41-2-134(c). by *Kyle.

***Senate Bill No. 2093 --** Game and Fish Laws - Allows person with county fishing license living in city lying in two counties to fish in all of the waters of city, not just those in county. Amends TCA Section 70-2-203. by *McNally.

***Senate Bill No. 2791 --** Public Service Commission - Establishes certain job security and salary protection for certain transferred employees Amends TCA Title 8 and Title 65. by *Cooper, *Gilbert.

***Senate Bill No. 3162 --** Taxes, Sales - Exempts contractors whose principal business is performance of contracts to improve realty, from sales and use tax. Amends TCA Sections 67-1-1802, 67-6-102 and 67-6-209. by *Jordan, *Fowler, *Rice, *McNally, *Elsea, *Atchley, *Person.

***Senate Bill No. 3170 --** Budget Procedures - Establishes procedures for appropriation of funds for state's share of costs beyond amounts estimated in fiscal notes prepared by staff of fiscal review committee. Amends TCA Title 9, Chapter 6. by *Atchley, *Hamilton.

ROLL CALL

The roll call was taken with the following results:

Present 93

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White,

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Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

RECESS MOTION

On motion of Rep. Purcell, the House recessed until 2:00 p.m., Wednesday, March 20, 1996.